Abstract

This paper studies the case law of the Constitutional Court of The Supreme Court of Venezuela which interpret the «right to rebelled» also called the «right of civil disobedience» establish in the article 350 of the Venezuelan constitution. For this purpose, we analyzed three main objects: the concept of the collectives bodies embedded in the constitution such as the concept of the expression «people»; the limitations of the constituent power; and the «republican traditions» as a metatheoric concept and interpretative canon. To do so, the research technique applied was a documental review and the ideas were exposed by a descriptive method. The conclusions point to consider that there’s no cohesive doctrine in the case law of the Court related to the concept of the expression «people»; and this theoric problem affects the concept of sovereignty, and also, and more important, the identification of the constiuent power.

Keywords

civil disobedience; people; sovereignty; constituent power; republican traditions